

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

DARREN MILLER,

Defendant.

No. 18-cr-373-10 (RJS)
ORDER

RICHARD J. SULLIVAN, Circuit Judge:

Defendant's sentencing is currently scheduled to take place in person on April 27, 2021 in Courtroom 12D at the Daniel Patrick Moynihan Courthouse, 500 Pearl Street, New York, New York 10007. (Doc. No. 791). However, today the Court received notice from Defendant's counsel of record, Peter E. Brill, that Defendant consents to waiving his right to appear in person for his sentencing. Accordingly, IT IS HEREBY ORDERED THAT Defendant's sentencing will take place on Monday, May 3, 2021 at 9:00 a.m. The sentencing will take place remotely through the CourtCall videoconference system. In addition, due to the flexibility required to accommodate the planning of proceedings involving detained individuals, the Court will reserve (and the parties shall calendar) May 5, 2021 at 9:00 a.m. as an alternate date for the sentencing. The Court will email the parties directly with instructions for accessing the CourtCall conference. A separate order will follow containing instructions for members of the public to monitor the proceedings.

IT IS FURTHER ORDERED THAT Defendant shall file his sentencing submissions by April 19, 2021, and the government shall file its sentencing submission by April 26, 2021. Defense counsel shall discuss the attached Waiver of Right to be Present at a Criminal Proceeding form with Miller prior to the sentencing. If Miller consents, and is able to sign the form (either

personally, or, in accordance with Standing Order M10-468, 20-mc-176 (CM) (S.D.N.Y. Mar. 11, 2021), by defense counsel), defense counsel shall provide the Court with the executed form prior to the proceeding. In the event that Miller consents, but counsel is unable to obtain or affix Miller's signature on the form, the Court will conduct an inquiry at the outset of the proceeding to determine whether it is appropriate for the Court to add Miller's signature to the form.

SO ORDERED.

Dated: April 13, 2021
New York, New York



RICHARD J. SULLIVAN
UNITED STATES CIRCUIT JUDGE
Sitting by Designation

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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-v-

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-----X

**WAIVER OF RIGHT TO BE
PRESENT AT CRIMINAL
PROCEEDING**

18-CR-373-10 (RJS)

Check Proceeding that Applies

Entry of Plea of Guilty

I am aware that I have been charged with violations of federal law. I have consulted with my attorney about those charges. I have decided that I wish to enter a plea of guilty to certain charges. I understand I have a right to appear before a judge in a courtroom in the Southern District of New York to enter my plea of guilty and to have my attorney beside me as I do. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I have discussed these issues with my attorney. By signing this document, I wish to advise the court that I willingly give up my right to appear in person before the judge to enter a plea of guilty. By signing this document, I also wish to advise the court that I willingly give up any right I might have to have my attorney next to me as I enter my plea so long as the following conditions are met. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf during the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date:

Print Name

Signature of Defendant

Sentence

I understand that I have a right to appear before a judge in a courtroom in the Southern District of New York at the time of my sentence and to speak directly in that courtroom to the judge who will sentence me. I am also aware that the public health emergency created by the COVID-19 pandemic has interfered with travel and restricted access to the federal courthouse. I do not wish to wait until the end of this emergency to be sentenced. I have discussed these issues with my attorney and willingly give up my right to be present, at the time my sentence is imposed, in the courtroom with my attorney and the judge who will impose that sentence. By signing this document, I wish to advise the court that I willingly

give up my right to appear in a courtroom in the Southern District of New York for my sentencing proceeding as well as my right to have my attorney next to me at the time of sentencing on the following conditions. I want my attorney to be able to participate in the proceeding and to be able to speak on my behalf at the proceeding. I also want the ability to speak privately with my attorney at any time during the proceeding if I wish to do so.

Date: _____
Print Name _____ Signature of Defendant _____

I hereby affirm that I am aware of my obligation to discuss with my client the charges against my client, my client's rights to attend and participate in the criminal proceedings encompassed by this waiver, and this waiver and consent form. I affirm that my client knowingly and voluntarily consents to the proceedings being held with my client and me both participating remotely.

Date: _____
Print Name _____ Signature of Defense Counsel _____

Addendum for a defendant who requires services of an interpreter:

I used the services of an interpreter to discuss these issues with the defendant. The interpreter also translated this document, in its entirety, to the defendant before the defendant signed it. The interpreter's name is: _____.

Date: _____
Signature of Defense Counsel _____

Accepted: _____
Signature of Judge _____
Date: _____